

TOWNSHIP OF HAMILTON
6101 THIRTEENTH STREET
MAYS LANDING
SEPTEMBER 21, 2009

The regular meeting of the Township Committee of the Township of Hamilton, Atlantic County, New Jersey was held on the above date with Deputy Mayor Roger Silva presiding. Members present were Amy Gatto, Thomas Palmentieri and Charles Pritchard. Mayor Gaskill was absent. Also present were Rita Martino, Deputy Township Clerk, Joseph Youngblood, Township Solicitor, Ed Walberg, Township Engineer and Edward Sasdelli, Township Administrator.

The meeting opened with the salute to the flag followed by the Deputy Township Clerk certifying compliance with the New Jersey Open Meetings Law by posting a notice on the bulletin board in the municipal building and by sending a copy of this notice, along with an agenda of this meeting, to The Press of Atlantic City, Atlantic County Record, Record Journal and Current newspapers stating that this meeting would take place at 6:30 PM on September 21, 2009 at the Municipal Building, Mays Landing, NJ.

A moment of silence for private reflection was observed.

Addition/Deletion of Late Agenda Items

On the motion of Mr. Palmentieri , seconded by Miss Gatto that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that the following items are hereby added to the agenda for consideration and action to be taken thereon tonight:

7F Resolution of no objection to the County closing Main Street for the Rotary Club to hold a Halloween Parade on Friday, October 30, 2009 with a rain date of Sunday, November 1, 2009

7G Resolution correcting resolution of July 6, 2009 regarding public land sale in Mizpah Village to read Block 350, Lots 26-28, 30-33, 36-43 (1.148 acres)

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN" ONE MEMBER ABSENT

Early Public Comment

Mr. John Pucci asked why the resolution concerning The Preserve was being rescinded. Mr. Youngblood explained that the letter of credit was being extended until December 31st. Mr. Youngblood further stated that the bank would be looking for a new developer, which is more beneficial for the township and would not preclude the Township from calling in the letter of credit in the future.

Discussions

Update on Hamilton Walk/Timber Glen flooding problem

Mr. Walberg said that flooding had occurred again and was due to the basin. Mr. Walberg said that he will be taking a fresh look at all approvals trying to ascertain which or both of the basins have issues and will be scheduling a meeting with the Timber Glen engineer looking to get resolution. Mr. Sasdelli stated that we haven't released any bonds on Timber Glen basins. Mr. Sasdelli said that Timber Glen's solution is to let it overflow into Hamilton Walk and that is unacceptable. Mr. Walberg said that he is holding his judgement until he has all the facts, but that he believes he knows what the problem is. Mr. Silva said that we have to be tough with this developer. Mr. Sasdelli asked that Mr. Walberg make sure that the Public Works Director and the Division Chief are at any meetings regarding this. Mr. Walberg said that this issue is his number one priority.

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Miss Gatto said that neighbor vs. neighbor doesn't solve anything and that we all need to work together.

Public Hearing/Adoption- Ordinance #1662-2009

Prior to the public hearing, Mr. Sasdelli said that if the governing body wished they could direct the solicitor to prepare a resolution to convey the vehicles used at the center.

The floor was opened for public comment on Ordinance #1662-2009

Hearing nothing from the public, Mr. Pritchard moved seconded by Mr. Palmentieri that the public hearing be closed.

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN" ONE MEMBER ABSENT

Mr. Pritchard moved, seconded by Miss Gatto that the following resolution be adopted:

WHEREAS, Ordinance # 1662 was introduced and passed first reading on September 8, 2009 and was duly advertised in the September 14, 2009 issue of the Press of Atlantic City for a public hearing to be held September 21, 2009 in the municipal building, Mays Landing, NJ and

WHEREAS, the public hearing has been held as advertised and closed

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hamilton that Ordinance # 1662-2009 be and is hereby adopted.

TOWNSHIP OF HAMILTON

ORDINANCE NO.: 1662 - 2009

AUTHORIZING THE SALE OF LOT 10 IN BLOCK 507 AS SHOWN ON THE TAX MAP FOR THE TOWNSHIP OF HAMILTON TO THE MIZPAH INLAND HUMAN SERVICES INC. AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

WHEREAS, the Mizpah Inland Human Services, Inc., is a duly incorporated nonprofit organization (not being political, partisan, sectarian, denominational or religious) which includes among its principal purposes the provision of educational, recreational, medical and social services to the general public, including residents of the Township of Hamilton, is in need of real estate so as to conduct its not-for-profit community service programs; and

WHEREAS, Mizpah Inland Human Services, Inc. is desirous of obtaining property owned by the Township of Hamilton known and designated as Lot 10 in Block 507 as shown on the Tax Map for the Township of Hamilton and commonly known as 6916 Sewell Avenue in the Township of Hamilton; and

WHEREAS, the governing body of the Township of Hamilton has determined that this particular tract of land, with the improvements thereon, owned by it is no longer needed for municipal purposes and therefore the Township of Hamilton is desirous of selling said property, pursuant to N.J.S.A. 40A:12-21, to Mizpah Inland Human Services, Inc. by way of a private sale for use by said organization consistent with their stated and lawful not-for-profit community service purposes and otherwise consistent with the purposes as set forth within said Statute.

WHEREAS, N.J.S.A. 40A:12-21 provides for the sale of property to such non-profit organization for a nominal cost.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that:

SECTION 1. Sale and Transfer of Realty.

The Mayor and other Township Officials are hereby Authorized to transfer title to Lot 10 in Block 607 as shown on the Tax Map for the Township of Hamilton, and otherwise known as 6916 Sewell Avenue in the Township of Hamilton, County of Atlantic and State of New Jersey, to the Mizpah Inland Human Services, Inc. for their not-for-profit community service purposes for the consideration of ONE DOLLAR AND NO CENTS (\$1.00) and other good and valuable consideration subject, however, to the following terms and conditions:

1. That such lands or buildings shall be used only for the purposes of such organization, and to render such services or to provide such facilities as may be otherwise agreed upon, and shall not be utilized for commercial, business, trade or manufacturing purposes, and that, in the event this condition is violated, title to said property shall immediately revert to the Township of Hamilton without any entry or reentry made thereon on behalf of the Township of Hamilton; and

2. Otherwise, the property is being transferred “as is” and the title shall be transferred by way of quit claim deed.

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SECTION 2. Severability and Effectiveness Clause.

- (a) If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
- (b) Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3. Effective Date.

This Ordinance shall take effect upon its final passage and publication as provided by law.

RITA MARTINO, R.M.C.

NELSON GASKILL, MAYOR

ROLL CALL:

- Gatto “Aye”**
- Palmentieri “Aye”**
- Silva “Aye”**
- Pritchard “Aye”**
- Gaskill Absent**

Mr. Pritchard suggested that the issue of the vehicles be placed on the next agenda. Miss Gatto and Mr. Palmentieri will review this issue and have the information ready for the next meeting.

Introduction of Ordinance #1661-2009

Mr. Pritchard moved, seconded by Miss Gatto that the following resolution be adopted

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that Ordinance # 1661-2009 be and is hereby introduced and passed on first reading and the Township Clerk is authorized to advertise same in the September 23, 2009 issue of the Atlantic County Record for a public hearing to be held in the municipal building, Mays Landing, NJ at 6:30 PM on October 5, 2009.

TOWNSHIP OF HAMILTON
ORDINANCE NO. 1661-2009

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 780, LOTS 4 & 6 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF HAMILTON, AND GRANTING TO THE OWNER OR OWNERS OF SAID REAL PROPERTY CONTIGUOUS TO SAME THE RIGHT TO PRIOR REFUSAL TO PURCHASE SUCH LAND IN THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, AND STATE OF NEW JERSEY.

BE IT ORDAINED by the Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that:

SECTION 1. The following described lots and block numbers on the Hamilton Township Tax Map are hereby determined to be less than the minimum size required for development in said Township under the existing Developmental Ordinance and further without any capital improvements thereon.

SECTION 2. Upon final adoption of this Ordinance, owners of real property contiguous to the subject lot may thereafter submit an offer to the Township Clerk, as designee of this Governing Body, in writing and on forms prepared by the Township for a period of twenty (20) days following advertisement of the finally adopted Ordinance pursuant to N.J.S.A. 40A:12-13. All offers shall be made in a sealed envelope. No offer less than the minimum value established herein below for said lot shall be considered by the Township Committee.

SECTION 3. In the event of bids being submitted by more than one (1) contiguous property owner with respect to said lots, the sale shall be made, if at all, to the highest bidder. The Township Committee reserves the right to reject any and all bids and to thereafter advertise the subject property for public sale pursuant to N.J.S.A. 40A:12-13(a).

SECTION 4. The following conditions of sale shall apply:

- (a) The successful bidder shall submit a certified check made payable to the "Township of Hamilton" in the amount of twenty (20%) percent of the purchase price, which check shall be submitted in the sealed envelope at the time of submission of the bid.
Persons bidding on behalf
- (b) of a contiguous property owner shall be required to submit in writing satisfactory evidence of their authority. The balance of the purchase price plus FOUR HUNDRED, TWENTY-FIVE (\$425.00) DOLLARS to cover administrative costs including but not limited to advertising, legal and recording fees shall be paid in cash or certified check within ten (10) days after the Township Committee accepting the bid and authorizing the sale to the high bidder.

(b) The Deed prepared by the Township Committee shall not be tendered until the full purchase price is paid.

(c) Title shall be conveyed by and through a Quitclaim Deed and shall convey only the right, title and interest of the Township of Hamilton to the land, as described herein. No warranties and covenants are or shall be made by the Township of Hamilton and in no event shall there be any liability on the part of the Township by reason thereof. The right, title and interest of the successful bidder, as purchaser, shall be subject to the following conditions, covenants, restrictions, easements and exceptions which shall run with the land and shall also become part of the Deed granted to the purchaser for the recording:

- (1) Easement of utility companies and of governmental agencies or bodies.
- (2) Any encroachments, prescriptions, easements or other state of facts pertaining to said lands which may be ascertained upon a visual examination and inspection of the land and the lands surrounding said land and any restrictions and covenants of record.
- (3) All existing federal, state, county and municipal laws, statutes, ordinances, rules and regulations including, by of description and not by limitation, existing zoning, health and planning board rules and regulations.
- (4) No representation of any kind is made that the land in question, surface as well as subterranean portions, is suitable or adaptable for any particular use whatsoever.
- (5) No representation of any kind is made concerning gas or electric service to the land.

(d) In the event that the Township cannot convey good and marketable title, subject to the above, the purchaser will be entitled to the return of the deposit, without interest, and the Township will not be responsible or liable in any other manner and for any other amount.

(e) In the event that the purchaser defaults in making payment to the Township, as set forth above, or if the purchaser cannot make settlement in accordance with the terms thereof, the deposit made by the successful bidder on account of the purchase will be retained by the Township as and for its liquidated damages and the land may be resold. This remedy shall be in addition to the Township's right to compel specific performance of the purchaser's obligation hereunder. Time is of the essence.

SECTION 5. The Township owned lots and minimum bid established therefore are as follows:

<u>Block/Lot(s)</u>	<u>Minimum Bid</u>	<u>Location</u>	<u>Zoning</u>	<u>LOT Size</u>
780 / 4 and 6	\$3,500.00	Calhoun Avenue	R-22	75'x115'

SECTION 6. SPECIAL CONDITIONS: NONE

SECTION 7. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 9. This Ordinance shall take effect immediately upon its publication after final passage as required by law.

ATTEST: TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC, NJ

JOAN I. ANDERSON, R.M.C. NELSON GASKILL, MAYOR
TOWNSHIP CLERK

ROLL CALL: GATTO
PALMENTIERI
PRITCHARD
SILVA
GASKILL

ORDINANCE #1661-2009 INTRODUCED AND PASSED FIRST READING ON SEPTEMBER 21, 2009.

There were no business registrations to be approved.

Miss Gatto moved, seconded by Mr. Palmentieri that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to grant the waiver of the \$50.00 Variance Application Fee for the HTMUA Well No 6 Security Upgrade Project (construction of a perimeter fence)

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN" ONE MEMBER ABSENT

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Miss Gatto moved, seconded by Mr. Palmentieri that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to grant approval for Oakcrest HS to place banners on approximately 10 utility poles with the condition that Oakcrest pay all applicable fees to Atlantic Electric and authorize the Director of Community Development to sign the lease agreements

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN" ONE MEMBER ABSENT

Miss Gatto moved, seconded by Mr. Palmentieri that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to add Chapter 159 Resolution to insert \$35,769.94 item of revenue with off-setting appropriations in 2009 municipal budget titled Drunk Driving Enforcement Grant

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN" ONE MEMBER ABSENT

Miss Gatto moved, seconded by Mr. Palmentieri that the following resolution be adopted:

RESOLUTION OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, REGARDING THE PRESERVE AT HAMILTON, CONDITIONALLY RESCINDING THE PRIOR RESOLUTION OF MAY 18, 2009 REGARDING THE PROJECT KNOWN AS "THE PRESERVE AT HAMILTON"

WHEREAS, the Mayor and Township Committee previously adopted a Resolution on May 18, 2009 declaring "The Preserve at Hamilton" in default of their obligations to the Township of Hamilton regarding the project known as "The Preserve at Hamilton;" and

WHEREAS, subsequent to the adoption of said Resolution certain negotiations have been entered into between the Township of Hamilton and Republic First Bank regarding the extension of their Irrevocable Standby Letter of Credit No. 309502 which was originally scheduled to expire on September 29, 2009; and

WHEREAS, Republic First Bank has requested the Township of Hamilton to agree to said extension so as to afford Republic First Bank an opportunity to complete their foreclosure proceedings regarding the subject property and to secure a replacement developer for same; and

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WHEREAS, the Mayor and Township Committee of Hamilton Township believe it is in the best interest of the Township of Hamilton to afford Republic First Bank additional time so as to complete the actions noted above;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that the extension of the Irrevocable Standby Letter of Credit No. 309502 (with an expiration date of December 31, 2010) naming the Township of Hamilton as the beneficiary for the account of The Preserve at Hamilton, shall be and is hereby accepted in the form proposed; and

BE IT FURTHER RESOLVED by the Mayor and Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that upon receipt of the executed original of said Irrevocable Standby Letter of Credit No. 309502 the Resolution of this Governing Body adopted on May 18, 2009 shall be and is hereby rescinded.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN" ONE MEMBER ABSENT

Miss Gatto moved, seconded by Mr. Palmentieri that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton that it has no objection to the County closing Main Street for the Rotary Club to hold a Halloween Parade on Friday, October 30, 2009 with a rain date of Sunday, November 1, 2009.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN" ONE MEMBER ABSENT

Miss Gatto moved, seconded by Mr. Palmentieri that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to correct the resolution of July 6, 2009 regarding the public land sale in Mizpah Village to read Block 350, Lots 26-28, 30-33, 36-43 (1.148 acres)

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN" ONE MEMBER ABSENT

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Mr. Palmentieri moved, seconded by Miss Gatto that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the township of Hamilton that all properly executed and approved payrolls and bills be paid, the bill list total being 1,539,164.15 as of September 17,2009

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN" ONE MEMBER ABSENT

Reports

Administrator- no report

Solicitor- no report

Engineer

Mr. Walberg said it is his policy to have two engineers for each municipality, he will be the prime and Ryan McGowan will be the backup.

Township Committee

Mr. Palmentieri said the Hamilton Walk issue is the Township's basin and we might need to decide what might be needed to fix that and make sure funds are allocated in the next budget. Mr. Palmentieri said the basin issues should be kept in mind along with the road program as we move forward next year.

Mr. Silva said he would like a list of every basin, the type of basin, whether it is working or not working, and then the priorities could be decided upon in order to assist with the decision of what money needs to be put aside. Mr. Palmentieri said that he wants the mall basin to be included in this. Mr. Walberg said that he would take care of this.

Mr. Palmentieri said that part of the Cologne and the Pike problem was supposed to be addressed as part of the Gateway Project. Mr. Palmentieri said that unfortunately that project moving forward is probably tied to the improvement of the real estate market.

Mr. Pritchard thanked everyone who worked on the 9/11 ceremony and thanked St. Vincent's for allowing it to be held in the church.

Miss Gatto reported that we did have the refinancing of our bonds and we are going to save about \$215,000 over 4 years and we went from an average interest rate of about 4% to a new average interest rate of about 2%. Miss Gatto said a large part of that is due in part to our rating and our fiscal practice. Miss Gatto also reported that we received the check from the MUA and thanked them.

Mr. Silva echoed the comments about the 9/11 ceremony and commented that the Mays Landing Fire Company had their new equipment there. Mr. Silva said it is a proud moment for the fire department and the community.

Public Comment

Mr. Russ Bongiovanni gave a history of the experiences he has had with the building department. Mr. Bongiovanni said in 1980 he bought a unit at the Woodlands which had been issued a CO with no electric, no appliances, not finished, no carpeting, no flooring. Mr. Bongiovanni said in 2007 he had put a deposit on a unit at Tavistock and discovered that the unit was nothing like the floor plan he bought, when Mrs. Bongiovanni went to the Township they had no revised plans. Mr. Bongiovanni added that Mrs. Bongiovanni went back to the superintendent on the job at Tavistock and for some strange reason he found the Townships copy of the plans in his construction shack. Mr. Bongiovanni said that he and his wife bought a home in Victoria Pointe, which received a CO in November

2007. Mr. Bongiovanni said that he and other owners of his model were having problems with excessive vibrations in the floor. Mr. Bongiovanni said the builder would not give him a copy of the plans and the Township employees knocked themselves out to get copies of the plans they had. Mr. Bongiovanni said he failed to recognize that the plans he was shown were revised plans given to the Township after his home was built. Mr. Bongiovanni said he went back to the Township and the plans were missing and couldn't be found. Mr. Bongiovanni said this wasn't a reflection on Warren, Lisa, Bonnie or Ed because he thinks this happened prior to. Mr. Bongiovanni said he went through arbitration with the builder and the builder said he would give him copies of the plans if he paid for them. Mr. Bongiovanni said he lost the arbitration because he couldn't come up with the original plans. Mr. Bongiovanni said that after arbitration the builder changed his mind and said he couldn't have the plans. Mr. Bongiovanni said there are state laws that say original plans have to stay on file for 10 years and the inspection sheets have to stay forever. Mr. Bongiovanni said there is too much history here. Mr. Bongiovanni suggested that something be done internally because if the State Dept. of Consumer Affairs comes in here you will get killed. Mr. Bongiovanni said this is not a threat, he is saying please don't let this happen again. Mr. Bongiovanni said if the Dept. of Consumer Affairs comes here tomorrow he didn't call them.

Mr. Silva asked Mr. Sasdelli why we didn't have these plans on file. Mr. Sasdelli said that he didn't know why they weren't here it was a different construction official and a different inspector. Mr. Silva asked that this be looked into and possibly some explanation be given to Mr. Bongiovanni.

Ms. Aline Dix said that she would like to know what the issuance date of that CO was before we start pointing fingers. Ms. Dix said that she happened to have spoken to Mr. Franzoi who left here in April of 2007 because of the way he was treated by a prior administration and she is not going to sit still for Glenn having anyone besmirch his integrity at this point. Ms. Dix said that there is a commercial enterprise in town that she has researched and there is no site plan approvals from the 90s and the traffic study cannot be found. Ms. Dix said that this is just an example but it is a curious example. Ms. Dix said that when she bought her house she was given two complete sets of plans and she still has them.

Ms. Dix asked if we had paid the final retainer on the Lenape Ave. paving and sidewalk project because there was a chain that was never put back. Mr. Sasdelli and Mr. Walberg both said that the final payment was not released.

Mr. Charles Cain said he is happy to hear that the drainage basin problem at Hamilton Walk is being addressed. Mr. Cain suggested that if a list of the basins was going to be created that it be put on a map overlay and presented to the Planning Board Engineer and the Planning Board Members. Mr. Cain said that even though we know about these basins causing flooding the Planning Board is still approving basin design waivers. Mr. Cain said that if we want to correct this that it should stop and the engineer should be made aware that one of the largest basins going into Hamilton Twp. just received a design waiver and the waiver could still be stopped because they only have preliminary approval. Mr. Cain said until we find out why these basins are failing we should stop granting waivers and make sure this information is provided to the Planning Board and their engineer.

Ms. Lorraine Granese asked if the drainage problem at Timber Glen was in Phase 3 and was told yes it was. Ms. Granese asked when the next 2010 budget presentation was. Ms. Gatto said she would update Miss Granese at the next committee meeting. Mr. Silva said at this point so many of the decisions to be made on the 2010 budget would be made after January that we are trying to get the public informed on where we are and not to determine what to cut out or put in. Mr. Silva said it is more of an information process so that people become more familiar with the issues and we hope that we get the necessary audience when we start in January. Ms. Granese said she was wondering why it fell by the wayside. Ms. Granese noted that the agendas are getting shorter and shorter and

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suggested that if the agenda was short there be some sort of informational presentation. Ms. Granese said there must be items to be discussed with the audience as this was the only opportunity for the public to learn things. Miss Gatto said that there have been meetings that have gone until 10 or 11 at night and that it balances out. Ms. Granese said that she wanted to make sure it was worth meeting.

Mr. Wayne Choyce said that the Committee might want to consider if when the basins were approved was there a waiver or a variance granted to the design. Mr. Choyce said that Timber Glen was originally designed as a dry basin and they went on their own and changed them to wet basins and then went and begged forgiveness from the Planning Board and asked for variances. Mr. Choyce said we should see if this ties in somehow to the failure and feed that info back to the Planning Board.

John Percy wished the members of the Mizpah Community well in the future. Mr. Percy asked why there was going to be a closed session to discuss potential negotiations for Shore Memorial Hospital. Mr. Percy asked why the governing body was negotiating with Shore Memorial at all. Mr. Youngblood said that there were some pending issues that may result in potential litigation and that he had requested an executive session to give the Committee the opportunity to hear the issues presented and the options that they have open to them. Mr. Youngblood said he would be giving his recommendation and the governing body would ultimately act on that and that would be done publicly. Mr. Percy said the property was deeded to Shore Memorial for the purpose of a medical facility with a reverter clause, if this wasn't done. Mr. Percy asked why there would be negotiations. Mr. Percy suggested that if Shore Memorial wanted money for it they should take their bag and go somewhere else. Mr. Sasdelli said we don't go into closed session unless we have to and that there are a couple of decisions to be made that we can't do in public because it would jeopardize the public interest. Mr. Sasdelli said that Mr. Percy would know what their final decision was if he hung around for an extra 15-20 minutes. Mr. Percy said he wasn't objecting to the executive session but he was curious to know why this was even an issue, because he had heard rumors they wanted money for the property.

Mr. Rich DeFeo said that the 9/11 ceremony was one of the nicest. Mr. DeFeo thanked John Sacchinelli and Aline Dix for raising the money for the Halloween Parade.

Hearing nothing further from the public, Mr. Pritchard moved, seconded by Mr. Palmentieri to close the public portion.

MOTION CARRIED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN". ONE MEMBER ABSENT

Resolution to enter closed session

Mr. Palmentieri moved, seconded by Miss Gatto that the following resolution be adopted:

BE IT RESOLVED by the Township Committee of the Township of Hamilton that this meeting be adjourned to an executive session to discuss potential negotiations with Shore Memorial Hospital regarding Lot 6 in Block 994.01 and personnel matters regarding the Police Chief Promotion Process, both of which are exempt from public discussion pursuant to the New Jersey Open Public Meetings Law, and that the governing body will reconvene in public session because action regarding the Shore Memorial Hospital item is expected to result from the discussion.

BE IT FURTHER RESOLVED that the results of said executive session discussions shall be made known as soon as the negotiations are no longer confidential.

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN". ONE MEMBER ABSENT

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On the motion of Miss Gatto, second of Mr. Palmentieri and carried the meeting was reconvened to open session.

Confirmation of Executive Session

Mr. Youngblood stated that this property was deeded to Shore Memorial with a reverter some time ago, the idea being that it was to be developed as an urgent care facility; however, that was never done so as a result of that it technically does revert as per the deed to the Township. Mr. Youngblood further stated that his office has written to them and raised the issue on a number of occasions asking them to execute a quit claim deed to the Township to clear title. Mr. Youngblood explained that without that the Township does not have clear title. Mr. Youngblood said that Shore Memorial has been dragging their feet and has not done so to date. Mr. Youngblood stated that their recommendation has been that if they don't do it that we simply proceed to file an action to quiet title which is a simplistic action that can be filed in Superior Court and the Court will compel them to issue the deed or it will do it by court order and the Township will have the property back.

Miss Gatto moved, seconded by Mr. Pritchard that the following resolution be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Hamilton to authorize suit to quiet title regarding lot 6 in block 994.01 within thirty (30) days of today's action

RESOLUTION ADOPTED WITH ALL MEMBERS VOTING "AYE", NO "NAY", NO "ABSTAIN". ONE MEMBER ABSENT

Mr. Youngblood clarified that this would take place in a maximum of thirty days, possibly less.

On the motion of Mr. Pritchard, seconded by Miss Gatto and carried the meeting was adjourned at 7:45 PM.

Respectfully submitted,

Rita Martino
Deputy Township Clerk

